

Senate Bill 536

By: Senator Smith of the 52nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated,
2 relating to stalking, so as to clarify venue for prosecution; to reorganize certain provisions
3 of the article; to provide for definitions; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to
8 stalking, is amended by adding a new Code section to read as follows:

9 "16-5-89.

10 As used in this article, the term:

11 (1) 'Computer' shall have the same meaning as set forth in Code Section 16-9-92.

12 (2) 'Computer network' shall have the same meaning as set forth in Code Section
13 16-9-92.

14 (3) 'Contact' means any communication, including, but not limited to, communication
15 in person, by telephone, by mail, by broadcast, by computer, by computer network, or by
16 any other electronic device.

17 (4) 'Harassing and intimidating' means a knowing and willful course of conduct directed
18 at a specific person which causes emotional distress by placing such person in reasonable
19 fear for such person's safety or the safety of a member of his or her immediate family by
20 establishing a pattern of harassing and intimidating behavior which serves no legitimate
21 purpose.

22 (5) 'Place or places' means any public or private property occupied by the victim other
23 than the residence of the defendant."

SECTION 2.

Said article is further amend by revising paragraph (1) of subsection (a) of Code Section 16-5-90, relating to stalking, as follows:

"(a)(1) A person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person. ~~For the purpose of this article, the terms 'computer' and 'computer network' shall have the same meanings as set out in Code Section 16-9-92; the term 'contact' shall mean any communication including without being limited to communication in person, by telephone, by mail, by broadcast, by computer, by computer network, or by any other electronic device; and the place or places that contact by telephone, mail, broadcast, computer, computer network, or any other electronic device is deemed to occur shall be the place or places where such communication is received. For the purpose of this article, the term 'place or places' shall include any public or private property occupied by the victim other than the residence of the defendant. For the purposes of this article, the term 'harassing and intimidating' means a knowing and willful course of conduct directed at a specific person which causes emotional distress by placing such person in reasonable fear for such person's safety or the safety of a member of his or her immediate family, by establishing a pattern of harassing and intimidating behavior, and which serves no legitimate purpose.~~ This Code section shall not be construed to require that an overt threat of death or bodily injury has been made."

SECTION 3.

Said article is further amended by adding a new Code section to read as follows:

"16-5-97.

In any prosecution for violation of this article, the state shall not be required to establish that all of the acts constituting the crime occurred in this state or within one city, county, or local jurisdiction, and it is no defense that some of the acts constituting the crime did not occur in this state or within one city, county, or local jurisdiction. For the purpose of venue under this article, any violation of this article shall be considered to have been committed:

- (1) In any county where contact is received or made;
- (2) In any county in which any act was performed in furtherance of any transaction which violated this article; and
- (3) In any county from which, to which, or through which any use of a computer or computer network was made, whether by wires, electromagnetic waves, microwaves, or any other means of communication."

- 1
- SECTION 4.**
- 2
- All laws and parts of laws in conflict with this Act are repealed.